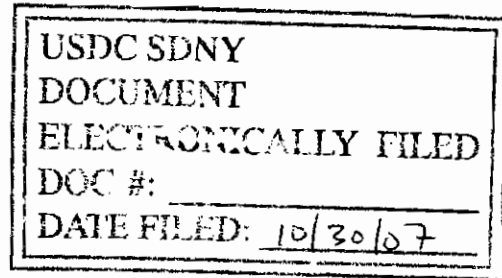


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John Eric Olson (JO#4394)
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
RLI INSURANCE COMPANY,

Plaintiff,

- against -

ROADWAY EXPRESS INC.,

Defendant.
-----X

Index No.:
07 Civ. 8634 (DLC)

**STIPULATION OF
DISCONTINUANCE**

PLEASE TAKE NOTICE that defendants not having answered, appeared or otherwise moved that pursuant to Rule 41 of the Federal Rules of Civil Procedure that plaintiff, RLI Insurance Company, by its attorneys, Hill Rivkins & Hayden LLP, hereby dismisses the captioned action without prejudice.

Dated: New York, New York
October 17, 2007

HILL RIVKINS & HAYDEN LLP
Attorneys for Plaintiff

By: [Signature]
John Eric Olson (JO#4394)

45 Broadway, Suite 1500
New York, NY 10006-3739

SO ORDERED:

[Signature]
United States District Judge
10/30/07